

**REMARKS**

Claims 1-25 were examined and reported in the Office Action. Claims 1-25 are rejected. Claims 1 and 11 are amended. Claims 1-25 remain.

Applicant requests reconsideration of the application in view of the following remarks.

**I. 35 U.S.C. § 103(a)**

A. It is asserted in the Office Action that claims 1-8, 11-23 and 25 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over U. S. Patent No. 5,594,779 issued to Goodman ("Goodman"), further in view of U.S. Patent No. 6,965,770 issued to Walsh et al. ("Walsh"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." *"All words in a claim must be considered in judging the patentability of that claim against the prior art."* (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Goodman discloses a system for downloading multimedia content (programs). In Goodman, the SR/SAR starts prompting the user with predefined menus and then the user gives verbal responses. The SR/SAR interprets the verbal response until a specific program is identified (as indicated at col. 14, 1.38-50). The system as disclosed in Goodman does not allow a user to confirm that his request has been correctly interpreted by the SR/SAR.

In Goodman, if the requests of the user are not correctly interpreted by the SR/SAR, then the system downloads a wrong program. In contrast, the system according to Applicant's claimed invention starts recognizing a voice request and then returns to the user's terminal a list of several requests having most probably the same content as the recognized voice request for confirmation.

With Applicant's claimed invention, the user can check that his voice request has been correctly recognized by the voice recognition device before downloading the requested media file. It is asserted in the Office Action that "*Goodman further teaches a system, characterized in that the voice recognition device is able to generate and transmit to the terminal a list containing several most probably text requests (Col. 14, line 46 to 50).*" In Goodman, however, the returned "text requests" are in fact menus containing new propositions. They are not text requests having most probably the same content as the recognized voice request and they are not returned for confirmation by the user.

Walsh relates to a system for selecting content to be played. In Walsh the system starts sending a playlist ("list of selectable content items") from a content server to a user's terminal. The user makes a selection for an item within the playlist they have received. The selection can be made by voice, thanks to a speech recognition engine included in the user's terminal. In Walsh, when a user selects a "guaranteed request," the user can be asked to confirm or cancel the request (col. 10, 1.57 to col. 11, 1.13). Walsh, however, does not teach, disclose or suggest that the speech recognition engine returns to the user's terminal a list of several requests having most probably the same content as the recognized voice request for confirmation.

Even if Walsh is combined with Goodman, the resulting invention would still not teach, disclose or suggest Applicant's amended claim 1 limitations of

the voice recognition device (40) is able to recognize the voice request that it receives, to convert said recognize voice request into a plurality of text requests, said text request having most probably the same content as the recognized voice request and to return to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the terminal being able to return one of the text request selected by the user, wherein a multimedia file corresponding to the selected text request is downloaded from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10),

nor Applicant's amended claim 11 limitations of

the voice recognition device (40) recognizing the voice request, converting said voice request into a plurality of text requests, said plurality of text requests having most probably the same content as the voice request, and returning to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, selecting the text request corresponding to the voice request by the user, and downloading of a multimedia file corresponding to the selected text request from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Since neither Goodman, Walsh, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's claims 1 and 11, Applicant's claims 1 and 11 are not obvious over Goodman in further view of Walsh since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from claims 1 and 11, namely claims 2-8, and 12-23 and 25, respectively, would also not be obvious over Goodman in further view of Walsh for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 1-8, 11-23 and 25 are respectfully requested.

**B.** It is asserted in the Office Action that claims 9-10 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Goodman in view Walsh and further in view of

U. S. Patent No. 6,996,393 issued to Pyhälämmi ("Pyhälämmi"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

Applicant's claims 9-10 depend on claim 1. Applicant has addressed Goodman in view of Walsh above in section I(A).

Pyhälämmi discloses a mobile content delivery system that optimizes the delivery of bandwidth-consuming content over a cellular network. Pyhälämmi does not use a voice recognition device, and thus does not address the problem of possible mistranslation of a verbal request by a voice recognition device.

That is, even if Goodman and Walsh were combined with Pyhälämmi, the combination would still not teach, disclose or suggest Applicant's claim 1 limitations of

the voice recognition device (40) is able to recognize the voice request that it receives, to convert said recognize voice request into a plurality of text requests, said text request having most probably the same content as the recognized voice request and to return to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the terminal being able to return one of the text request selected by the user, wherein a multimedia file corresponding to the selected text request is downloaded from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Since neither Goodman, Walsh, Pyhälämmi, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's claim 1, Applicant's claim 1 is not obvious over Goodman in view of Walsh and further in view of Pyhälämmi since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend from claim 1, namely claims 9-10, would also not be obvious over Goodman in view of Walsh and further in view of Pyhälämmi for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 9-10 are respectfully requested.

C. It is asserted in the Office Action that claim 24 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Goodman in view of Walsh and further in view of U. S. Patent No. 6,345,250 issued to Martin ("Martin"). Applicant respectfully traverses the aforementioned rejections for the following reasons.

Applicant's claim 24 indirectly depends on claim 11. Applicant has addressed Goodman in view of Walsh above in section I(A).

Martin discloses an interactive voice response application on a computer telephony system that uses voice prompts from a mixed set of pre-recorded voice prompts and voice prompts synthesized from a text-to-speech process. Martin does not relate to the downloading of multimedia files over a mobile telephony network.

That is, even if Goodman and Walsh were combined with Martin, the combination would still not teach, disclose or suggest Applicant's claim 11 limitations of

the voice recognition device (40) is able to recognize the voice request that it receives, to convert said recognize voice request into a plurality of text requests, said text request having most probably the same content as the recognized voice request and to return to the terminal (50; 60, 70) one or more possible text request(s) for confirmation by the user, the terminal being able to return one of the text request selected by the user, wherein a multimedia file corresponding to the selected text request is downloaded from the database (30) to the terminal (50; 60, 70) via the mobile telephony network (10).

Since neither Goodman, Walsh, Martin, and therefore, nor the combination of the three, teach, disclose or suggest all the limitations of Applicant's claim 11, Applicant's claim 11 is not obvious over Goodman in view of Walsh and further in view of Martin since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that indirectly depends from claim 11, namely claim 24, would also not be obvious over Goodman in view of Walsh and further in view of Martin for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claim 24 is respectfully requested.

**CONCLUSION**

In view of the foregoing, it is submitted that claims 1-25 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

**PETITION FOR EXTENSION OF TIME**

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on April 10, 2007, Applicant respectfully petitions the Commissioner for a three (3) month extension of time, extending the period for response to October 10, 2007. The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$1,050.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(3) large entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Dated: October 10, 2007

By: 

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

  
Jean Svoboda

Date: October 10, 2007